



DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name; that

I verily believe I am the original and first inventor of the invention entitled: **MULTI-BARRIER PHOTONIC HETEROSTRUCTURES** (Docket No. BAT 0063 PA/40078.243), described and claimed.

X in the attached specification;
in the specification filed September 9, 2003, as U.S. Application
Serial No. 10/658,105 and as amended

I hereby authorize the attorney(s) and/or agent(s) appointed herein to indicate above whether the invention is described and claimed in an attached specification and to provide the Filing Date and Serial No. of the corresponding U.S. Application, if previously filed.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as filed and as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to us to be material to patentability as defined in Title 37, Code of Federal Regulations, '1.56(a).

I hereby claim the benefit under 35 USC § 119(e) of any United States provisional application(s) listed below:

Application Number 60/409,344 Filing Date September 9, 2002

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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I further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under '1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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Inventor's signature James E. Toney

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